

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
Civil Action No. 5:18-cv-00136-RJC-DSC

MICHELLE SANCHEZ, CASEY)
CAUDILL, KATIE RICHARDS, and)
SAVANNAH RICHARDS,)

Plaintiffs,)

v.)

TERRY BUCHANAN, individually and in)
his capacity as Sheriff for Ashe County;)
JAMES HARTLEY, in his official)
capacity as Sheriff for Ashe County;)
RICHARD CLAYTON, individually and)
in his official capacity as chief deputy of)
the Ashe County Sheriff's Department;)
MICHAEL BOYLES, individually and in)
his official capacity as deputy of the Ashe)
County Sheriff's Department; DENNIS)
ANDERS, individually and in his official)
capacity as deputy of the Ashe County)
Sheriff's Department; MARC KITTS,)
individually and in his official capacity as)
deputy of the Ashe County Sheriff's)
Department; and EMPLOYERS MUTUAL)
CASUALTY COMPANY,)

Defendants.)

ORDER

THIS MATTER is before the Court on Defendants' "Motion[s] to Dismiss ..." (documents ##20, 23, 27 and 34) and "Motions to Strike ..." (documents ##18, 25, 29 and 32), and Plaintiffs' "First Amended Complaint" (document #37) filed November 14, 2018. Defendant Clayton has also moved for an extension of time to respond to the First Amended Complaint. See document #40.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to “amend its pleading once as a matter of course,” if done within twenty-one days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or “if the pleading is one to which a responsive pleading is required,” a party may amend once as a matter of course, provided that it does so within “21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that leave to amend shall be freely given “when justice so requires.” Id.

Plaintiffs filed their First Amended Complaint as a matter of course within twenty-one days of service of Defendants’ Motions to Dismiss.


It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. *Young v. City of Mount Ranier*, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); *Turner v. Kight*, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

IT IS THEREFORE ORDERED that:

1. Defendants’ “Motion[s] to Dismiss ...” (documents ##20, 23, 27 and 34) and “Motions to Strike ...” (documents ##18, 25, 29 and 32) are administratively **DENIED** as moot without prejudice.
2. Defendant Clayton’s “Motion for an Extension of Time ...” (document #40) is **GRANTED** and his deadline to answer or otherwise plead is extended to January 14, 2019.
3. The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel, and to the Honorable Robert J. Conrad, Jr..

SO ORDERED.

Signed: November 16, 2018



David S. Cayer
United States Magistrate Judge

